

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DAMIEN McGIRT,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-19-0127-F
)	
TERRY PULLEY, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff McGirt, a pre-trial detainee appearing *pro se* and *in forma pauperis*, brings this action under 42 U.S.C. § 1983, alleging a violation of the First Amendment. On November 15, 2019, Magistrate Judge Shon T. Erwin submitted a Report and Recommendation. Doc. no. 29 (the Report). The Report recommends that plaintiff's request for dismissal of this action (doc. no. 28), construed as a motion for voluntary dismissal by order of the court under Rule 41(a)(2), Fed. R. Civ. P., be granted, and that this action, including all of the claims alleged against the defendant in the complaint, be dismissed without prejudice pursuant to Rule 41(a)(2). The Report also recommends that the motions for extension of time be denied as moot. Doc. nos. 24, 27.

The Report advised that any objection to the Report must be filed with the clerk of this court by December 2, 2019, and that failure to make timely objection waives the right to appellate review of both factual and legal questions included within the Report. The time for objection has expired, and no objection or request for an extension of time within which to object to the Report has been filed.

Having reviewed the Report, and with there being no objection to the Report, the court concurs in the recommended rulings stated there. The court also finds that given the detailed analysis set out in the Report, no purpose would be served by any additional discussion of the issues.

The Report is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. Doc. no. 29. As recommended in the Report, plaintiff's request for dismissal of this action (doc. no. 28), construed as a motion for voluntary dismissal by order of the court under Rule 41(a)(2), is **GRANTED**. This action, including all of the claims alleged against the defendant in the complaint, is **DISMISSED** without prejudice pursuant to Rule 41(a)(2). The motions for extension of time are **DENIED** as **MOOT**. Doc. nos. 24, 27.

IT IS SO ORDERED this 17th day of December, 2019.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE